IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Oedegaard et al.]	Art Unit 1795
Serial No. 10/576,375]	Examiner: P. Riner
Filed: April 19, 2006]	Confirmation No: 9080
For: DEVICE AND METHOD FOR INCREASING THE CONCENTRATION OF FUEL...]	Attorney Docket: 1-17265

February 26, 2009

ELECTION

Honorable Sir:

In response to the Office Action dated November 26, 2008, please enter the following election response:

The Examiner has issued a restriction requirement between:

group I, claims 1-25 and 33-36, drawn to a fuel concentration increasing device; and

group II, claims 26-32, drawn to a fuel concentration method.

The Examiner states that claim groups 1-2 do not relate to a single inventive concept under PCT rule 13.1 because under PCT rule 13.2 they lack the same or corresponding technical features.

Applicant hereby elects claim group I, claims 1-25 and 33-36, drawn to a fuel concentration increasing device. This election is made without traverse.

It is noted that the Examiner, in her restriction requirement, made apparent reference to questions about the patentability of the subject matter, namely indicating that "the special technical feature" of "a throughflow device containing a membrane which is permeable or semi-permeable for the fuel but not for the carrier component" is not inventive in view of Asher et al (US 5,583,240).

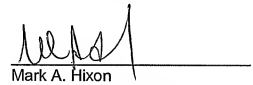
The noted reference utilizes an exothermic chemical reaction. This dire3ctly contrasts with the present invention which does not describe a chemical reaction, per se, at all, but instead discloses a diffusion process. In addition, the process of the noted reference depends on a pressure difference, which drives the reaction, while the present invention utilizes a concentration gradient to drive the diffusion. Additionally, the noted reference utilizes two different components to achieve the reaction, while the present invention utilizes one combustible in different dilutions.

In light of the forgoing, the basis for the Examiner's comments regarding the invention not being inventive are not understood. Again, this action was a restriction requirement, and not an action on the merits. It is not understood why the Examiner is making comments relative to the "inventiveness" of the application. Further, even if these comments are appropriate at this stage of the prosecution, it is believe the Examiner is not correct in indicating that the presently claimed invention is not inventive in view of the noted reference.

In view of the above remarks, a favorable reconsideration of the present application and the passing of this application to issue with all claims allowed are courteously solicited. If the Examiner wishes to modify any of the language of the

claims in an effort to move the application towards allowance, a telephone call to the undersigned would be greatly appreciated.

Respectfully submitted,



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